

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>LETA FAYE KING</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 186,091
<b>CITY OF JUNCTION CITY</b>	)	
Respondent	)	
AND	)	
	)	
<b>KANSAS EASTERN REGIONAL INSURANCE TRUST</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant requested Appeals Board review of a preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on October 7, 1996, that denied claimant's request for temporary total disability compensation.

**ISSUES**

The claimant requested Appeals Board review of the decision of the Administrative Law Judge that denied claimant's request for temporary total disability compensation.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

This matter came before the Administrative Law Judge on claimant's request for preliminary compensation benefits in the form of temporary total disability compensation. Claimant argued she had presented evidence at the preliminary hearing that met her burden of proving she was temporarily totally disabled as defined in K.S.A. 44-510c(b)(2).

Claimant asserted that the Administrative Law Judge exceeded his jurisdiction when he found claimant had unreasonably refused accommodated employment offered by the respondent and denied claimant's request for temporary total disability compensation.

Before the Appeals Board reviews the merits of this appeal, the first issue that has to be addressed is whether the Appeals Board has jurisdiction to review this preliminary hearing Order. Jurisdiction is granted the Appeals Board if one of the specific issues in K.S.A. 44-534a, as amended, are disputed. The Appeals Board also has jurisdiction to review a preliminary hearing Order if the appellant alleges the Administrative Law Judge exceeded his or her jurisdiction in granting or denying the relief requested. See K.S.A. 44-551, as amended. The claimant has not raised an issue that is contained in K.S.A. 44-534a, as amended. She has alleged the Administrative Law Judge exceeded his jurisdiction in denying her request for temporary total disability compensation. However, the Administrative Law Judge is granted authority pursuant to the preliminary hearing statute, K.S.A. 44-534a, as amended, to grant or deny a request for temporary total disability compensation. Accordingly, the Appeals Board concludes the Administrative Law Judge did not exceed his jurisdiction in denying claimant's request for temporary total disability benefits. Therefore, at this juncture of the proceeding, the Appeals Board finds it does not have jurisdiction to review this preliminary hearing Order.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that this appeal should be, and is hereby, dismissed and the Order of the Administrative Law Judge Bryce D. Benedict dated October 7, 1996, remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 1996.

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BOARD MEMBER

c: Michael E. Francis, Topeka, KS  
Karen D. Pendland, Kansas City, MO  
Bryce D. Benedict, Administrative Law Judge  
Philip S. Harness, Director